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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,723	01/30/2004	Adrian B. Chernoff	GP-303333	5120

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EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/768,723	CHERNOFF ET AL.	
	Examiner	Art Unit	
	Jason S. Morrow	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7 and 15-18 is/are allowed.
- 6) ☒ Claim(s) 1,8-10,13 and 19 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoerster.

Re claim 1, Hoerster discloses a front structure for a vehicle comprising a unitary sheet formed to at least partially define a vehicle cowl (3) and a vehicle bulkhead (2), and wherein the unitary sheet is further configured to at least partially define a front compartment (the compartment in which 4 fits) of the vehicle.

Re claim 8, the cowl is configured to extend across the front compartment and wherein the bulkhead is configured to at least partially separate the front compartment from a passenger compartment of the vehicle (the part 6 must necessarily be part of the passenger compartment).

Re claim 9, the cowl comprises a structural cross beam (the confluence of 2 and 3 creates a cross beam), the cross beam being configured to extend across the front compartment.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoerster in view of Roper.

Hoerster discloses a method of manufacturing front structure for a vehicle, the method comprising forming a unitary panel, wherein the unitary panel at least partially defines a vehicle cowl and a vehicle bulkhead.

Hoerster does not disclose forming the unitary panel being using a method selected from the group consisting of quick plastic forming, superplastic forming and sheet hydroforming.

Roper teaches the use of sheet hydroforming to form metal parts (see column 1, lines 12-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method, such as that disclosed by Hoerster, to include forming the unitary panel by sheet hydroforming, as taught by Roper, in order to reduce the tooling costs associated with forming such a part in a high quality manner (see Roper, column 2, lines 8-16).

5. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoerster in view of Tonoe et al.

Hoerster discloses all the limitations of the claims, as applied above, except for the cowl forming an intake plenum, wherein the cross beam is formed between the plenum and vehicle bulkhead.

Tonoe et al. teaches a cowl forming an intake plenum (figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a cowl, such as that disclosed by Hoerster, to include an intake plenum, as

taught by Tonoe, et al, which would thus form a cross bean between the plenum and vehicle bulkhead in order to provide a passage for air which would be used for climate control inside the vehicle.

***Allowable Subject Matter***

6. Claims 11, 12, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 2-7 and 15-18 are allowed.

***Response to Arguments***

8. Applicant's arguments filed 11/22/05 have been fully considered but they are not persuasive with respect to the claims rejected above.

With respect to claim 1, applicant argues that Hoerster fails to teach or disclose a “unitary sheet as required by claim 1. Applicant asserts that because Hoerster refers to part 1 as a “panel assembly” rather than a sheet, the claim limitations are not satisfied. However, the drawings of Hoerster clearly show, as pointed out in the rejection, that parts 3 and 2 are unitary. No joint between the two appears and the cross-hatching indicates that both parts are constructed of the same material. As pointed out in previous Office Actions, the term “panel” is a broad term which includes “unitary sheets”. The term “unitary sheet” is a narrower term. Thus even though Hoerster describes parts 2 and 3 and a “panel” the term does not preclude parts 2 and 3 from being a “unitary sheet” as required by the claim. Hoerster’s drawing does show a unitary sheet

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and therefore Hoerster discloses the claimed limitation. Applicant also points out that the term “panel” is modified by the word “assembly” in Hoerster and that Webster’s II New Riverside University Dictionary describes an “assembly” as “the combining of manufactured parts to make a completed product”. This definition does not preclude the “unitary sheet” of Hoerster from being an assembly. It has two combined parts, 2 and 3, to make a completed product. Nothing in the definition precludes the parts from being made of the same piece of sheet metal.

Applicant’s arguments with respect to claim 2 are moot, as the claim has been allowed.

With respect to claims 8 and 9, Applicant argues that the structure pointed out in the rejection above as being a “structural cross beam” cannot be a structural cross-beam because one of ordinary skill in the art would not understand the structure as a cross beam because it does not impart a strengthening function. The Applicant points to figure 2 as evidence that the structure cannot impart a strengthening function. However, the structures 2 and 3, which typically extend from one side of a vehicle to another side of the vehicle, would necessarily provide some strengthening to the sides of the vehicle. For example, the parts 2 and 3 and their confluence would resist an impact force coming from the side of the vehicle in a side impact collision. Therefore, the structure pointed out in the rejection does meet the limitations of the claims since it imparts a strengthening function.

With respect to claim 19, applicant argues that the rejection of the claim under 35 U.S.C. 103(a) as being anticipated by Hoerster in view of Roper is in error because there is no suggestion or motivation to combine the references. The examiner disagrees. The motivation is provided by Roper and is quoted in the rejection as follows: in order to reduce the tooling costs associated with forming such a part in a high quality manner. One of ordinary skill in the art

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would be well aware of the process of hydroforming and its benefits. Roper simply provides evidence and motivation that one of ordinary skill in the art would readily recognize.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 2, 2006

Jason S. Morrow  
Primary Examiner  
Art Unit 3612

  
JASON MORROW  
PRIMARY PATENT EXAMINER

3/2/06